

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR Steven D. Culhane	02-200-US2	CONFIRMATION NO. 9854	
10/687,228		10/16/2003				
34704	7590	04/07/2004		EXAMINER		
BACHMAN & LAPOINTE, P.C. 900 CHAPEL STREET				HOEY, ALISSA L		
SUITE 1201		· •		ART UNIT	PAPER NUMBER	
NEW HAV	EN, CT	06510	3765			

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

			cation No.	Applicant(s)	Applicant(s)				
		10/68	37,228	CULHANE, STE	VEN D.				
	Office Action Summary	Exam	iner	Art Unit					
			L. Hoey	3765					
Period fo	- The MAILING DATE of this commun r Reply	ication appears or	the cover sheet	with the correspondence a	ddress				
THE N - Exten after 3 - If the - If NO - Failur Any re	DRTENED STATUTORY PERIOD FOR MAILING DATE OF THIS COMMUNI sions of time may be available under the provisions SIX (6) MONTHS from the mailing date of this commo period for reply specified above is less than thirty (3) period for reply is specified above, the maximum state to reply within the set or extended period for reply eply received by the Office later than three months and patent term adjustment. See 37 CFR 1.704(b).	CATION. of 37 CFR 1.136(a). In r unication. 0) days, a reply within the atutory period will apply a will, by statute, cause the	no event, however, may e statutory minimum of the and will expire SIX (6) Mo e application to become	a reply be timely filed nirty (30) days will be considered tim DNTHS from the mailing date of this ABANDONED (35 U.S.C. § 133).					
Status									
1) 又	Responsive to communication(s) file	d on 16 October	2003.						
		2b)⊠ This action		,					
	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.								
Disposition	on of Claims								
5)□ 6)⊠ 7)□	Claim(s) 10-19 is/are pending in the da) Of the above claim(s) is/are Claim(s) is/are allowed. Claim(s) 10-19 is/are rejected. Claim(s) is/are objected to. Claim(s) are subject to restrice.	e withdrawn from							
Application	on Papers								
9) 🔲 🗆	The specification is objected to by the	e Examiner.							
10)[] 7	The drawing(s) filed on is/are:	a) accepted o	r b) dbjected to	by the Examiner.					
	Applicant may not request that any object	ction to the drawing	(s) be held in abey	ance. See 37 CFR 1.85(a).					
	Replacement drawing sheet(s) including The oath or declaration is objected to		-	• • • •	• •				
	nder 35 U.S.C. § 119	•							
12) <u></u>	Acknowledgment is made of a claim of All b) Some * c) None of: 1. Certified copies of the priority of the priority of the priority of the certified copies of the priority of the certified copies of the certified copies of the certified copies of the the attached detailed Office actions	documents have locuments have lof the priority document documents	been received. been received in uments have bee Rule 17.2(a)).	Application No In received in this Nationa	ıl Stage				
Attachment	(e)								
_	of References Cited (PTO-892)		4) 🗌 Interview	Summary (PTO-413)					
2) 🔲 Notice	of Draftsperson's Patent Drawing Review (Pation Disclosure Statement(s) (PTO-1449 or I		Paper No	o(s)/Mail Date Informal Patent Application (PT	⁻ O-152)				
	No(s)/Mail Date	 ,	6) 🔲 Other: _						

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 2. Claims 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Kratz (US 4,722,099).

Kratz provides a garment having a front portion and a rear portion (figures 2 and 3). A pair of arms being joined to the front and rear portions (figures 2 and 3, identifiers 62 and 64). Each of the arms having an elbow portion formed from a mesh fabric material and other portions from an artificial leather or leather fabric material (figures 2 and 3, identifiers 88, 62, 64, 92, 94, 90: column 1, lines 63-68 through column 2, lines 1-2). The rear portions having at least one portion formed form a mesh fabric material (figure 3, identifiers 36, 38, 70 and 72: column 5, lines 17-53). The rear portions having a first and second side portions and a central portion wherein each of the first and second side portions are formed from a stretch fabric material (figure 3, identifiers 36, 38, 70 and 72; column 5, lines 17-53). The central portion is formed from an artificial leather of a leather material (figure 3, identifiers 102: column 1, lines 63-68 through column 2, lines 1-3). It is inherent that the mesh of Kratz has stretch since, Kratz uses flexible cloth mesh in the shoulder vents which is diagramed as the same mesh used in the elbows, underarms and sides of the back vents in the jacket, flexible cloth mesh has

Application/Control Number: 10/687,228

Art Unit: 3765

stretch. It is further inherent that the artificial leather used in the body of the garment is non-stretch. Artificial leather's are made by a woven base to which a solid and expanded vinyl substance is added making it non-stretch.

Claim Rejections - 35 USC § 103

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 4. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kratz in view of Blauer et al. (US 5,593,754).

Kratz provides a garment as described above in claim 10. However, Kratz fails to teach a liner within the garment formed from a breathable waterproof stretch fabric material and an adjacent stretch film material layer next to the stretch fabric material layer. Blauer et al. provides a garment having a liner formed of a breathable waterproof stretch fabric material and an adjacent stretch film material layer next to the stretch fabric material layer (figures 3 and 4, identifiers 22, 24, 30, 32 and 34: column 8, lines 5-19).

It would have been obvious to have provided the outer garment of Kratz with the liner of Blauer et al., since the dual liner would provide the outer garment of Kratz with superior breathablity, water fastness and stretchablity keeping the user dryer, cooler, more comfortable.

Application/Control Number: 10/687,228

Art Unit: 3765

5. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kratz in view of Lipson (US 2,002,955).

Kratz provides an outer garment as described above in claim 10. However, Kratz fails to teach the outer garment having a hood that is detachable and collapsible to the outer garment.

Lipson provides an outer garment having a hood that is detachable and collapsible to the outer garment (figures 1-6, identifiers 2, 10, 12, 6 and 8: page 1, column 2, lines 12-45).

It would have been obvious to have provided the outer garment of Kratz with the hood of Lispon, since the outer garment of Kratz having a detachable and collapsible hood would provide the user with a hood that can protect the wearer's head from the elements and can also be detached and stored when not needed by the wearer.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Johns, Engel, Artzt, Werber, Schudson, Myers, Ingram, III, Meyers, Polsky, Brumfield, Harvey, Aldridge et al., Smith, Hall, Seamans, Lacoste, Wedge, Jr., Golde, Moses, Baxter, Wallerstein and Grilliot et al. are all cited to show closely related garments.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alissa L. Hoey whose telephone number is (703) 308-6094. The examiner can normally be reached on M-F (8:00-5:30)Second Friday Off.

Application/Control Number: 10/687,228

Art Unit: 3765

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on (703) 305-1025. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alissa L. Hoey
Patent Examiner

Technology Center 3700